

## **EXHIBIT A**

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Brandon Johnson

**DEFENDANTS**

P/O Wm. Bowdren, City of Phila., City of Phila Prison Sys., Thomas Kasprzak, Joseph Curtosi, Michele Farrell

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Matthew B. Weisberg, Esq., 7 South Morton Ave., Morton, PA 19070  
610-690-0801

Attorneys (If Known)

Matthew Hubbard

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACTS</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<b>OTHER STATUTES</b> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions					

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. Sec. 1983

Brief description of cause:

Civil Rights Violation under 42 U.S.C. Sec. 1983

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

8-24-15

SIGNATURE OF ATTORNEY OF RECORD

Matthew B. Weisberg

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**Brandon Johnson**  
845 N. 20<sup>th</sup> Street  
Philadelphia, PA 19130

**Plaintiff**

**Civil Action**

**NO: \_\_\_\_\_**

**V.**

**Officer William Bowdren, individually and  
in his official capacity as Officer for the  
City of Philadelphia Police Department  
1515 Arch Street  
Philadelphia, PA 19102**

**And**

**The City of Philadelphia Police Department  
1515 Arch Street  
Philadelphia, PA 19102**

**And**

**The City of Philadelphia Prison System  
7901 State Road  
Philadelphia, PA 19136**

**And**

**Thomas Kasprzak individually and in his  
official capacity as Parole Officer for the  
City of Philadelphia Adult Probation and  
Parole Department  
1401 Arch Street  
Philadelphia, PA 19102**

**And**

**Joseph Curtosi, individually and in his  
official capacity as Parole Officer for the  
City of Philadelphia Adult Probation and  
Parole Department  
1401 Arch Street  
Philadelphia, PA 19102**

**And**

**Michele Farrell, individually and in her  
official capacity as Corrections Warden for  
for the City of Philadelphia Prison System  
7901 State Road  
Philadelphia, PA 19136**

**Defendants**

**Formerly**

**Court of Common Pleas  
Philadelphia County  
Trial Division – Civil  
July Term, 2014  
No. 001437**

**NOTICE OF REMOVAL**

**To the Honorable Judges of the United States District Court for the Eastern District of  
Pennsylvania.**

Pursuant to 28 U.S.C. § 1441, defendants, P/O William Bowdren, City of Philadelphia  
Police Dept., City of Philadelphia Prison System, Thomas Kasprzak, Joseph Curtosi, and

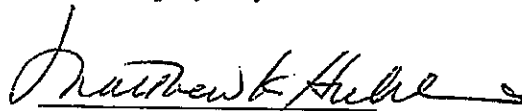
Michele Farrell(hereinafter "petitioners") through their counsel, Matthew Hubbard, Senior Attorney, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. In July 2014, plaintiff initiated this action by a Complaint in the Court of Common Pleas in Philadelphia, July 2014, No. 001437. (Exhibit A - Complaint).
2. On August 18, 2015, said Complaint was served on Petitioners at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania.
3. Plaintiff alleges that on July 31, 2013, he sustained damages when his civil rights were violated by the defendants. (Exhibit A ).
4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff's Complaint contains allegations of violations of the plaintiff's Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

Wherefore, petitioners, P/O William Bowdren, City of Philadelphia Police Dept., City of Philadelphia Prison System, Thomas Kasprzak, Joseph Curtosi, and Michele Farrell, respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Craig Straw  
Chief Deputy City Solicitor



**MATTHEW K. HUBBARD**

Senior Attorney

Attorney I.D. No. 44110

City of Philadelphia Law Department

1515 Arch Street, 14<sup>th</sup> Floor

Philadelphia, PA 19102

215-683-5391

Date: 8-24-15

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

\_\_\_\_\_  
Brandon Johnson  
845 N. 20<sup>th</sup> Street  
Philadelphia, PA 19130

Plaintiff

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Defendants

Formerly

Court of Common Pleas  
Philadelphia County  
Trial Division – Civil  
July Term, 2014  
No. 001437

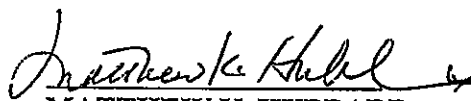
**NOTICE OF FILING OF REMOVAL**

TO: Matthew B. Weisberg, Esq.  
7 South Morton Ave.

Morton, PA 19070

PLEASE TAKE NOTICE THAT on August 24, 2015, defendants, P/O William Bowdren, City of Philadelphia Police Dept., City of Philadelphia Prison System, Thomas Kasprzak, Joseph Curtosi, and Michele Farrell filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(d).

A handwritten signature in black ink, appearing to read "Matthew K. Hubbard", with a stylized flourish at the end.

**MATTHEW K. HUBBARD**

**Senior Attorney**

**Attorney I.D. No. 44110**

**City of Philadelphia Law Department**

**1515 Arch Street, 14<sup>th</sup> Floor**

**Philadelphia, PA 19102**

**215-683-5391**

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**Brandon Johnson**  
845 N. 20<sup>th</sup> Street  
Philadelphia, PA 19130

**Plaintiff**

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**Formerly**

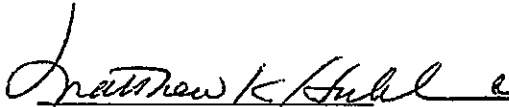
**Court of Common Pleas  
Philadelphia County  
Trial Division – Civil  
July Term, 2014  
No. 001437**

**CERTIFICATE OF SERVICE**

I, Matthew K. Hubbard, Senior Attorney do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid,

on the date indicated below:

TO: Matthew B. Weisberg, Esq.  
7 South Morton Avenue  
Morton, PA 19070

A handwritten signature in black ink, appearing to read "Matthew K. Hubbard", written over a horizontal line.

**Matthew K. Hubbard**  
**Senior Attorney**  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5391

Date: 8-24-15



Exhibit "A"

95066

**WEISBERG LAW**

Matthew B. Weisberg, Esq.

Attorney ID No.: 85570

Chad B. Gordon, Esq.

Attorney ID No.: 317780

7 South Morton Ave.

Morton, PA 19070

610-690-0801

610-690-0880 – Fax

**THIS IS A MAJOR JURY MATTER  
ASSESSMENT OF DAMAGES REQUIRED**

Attorneys for Plaintiff

Brandon Johnson  
845 N. 20<sup>th</sup> Street  
Philadelphia, PA 19130

Plaintiff,

v.

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Philadelphia, PA 19102

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

July Term, 2014

NO.: 1437

**JURY OF TWELVE (12) DEMANDED**

And :

Joseph Curtosi, individually and in his :  
 official capacity as Parole Officer for the :  
 City of Philadelphia Adult Probation and :  
 Parole Department :  
 1401 Arch Street :  
 Philadelphia, PA 19102 :

And :

Michele Farrell, individually and in her :  
 official capacity as Corrections Warden for :  
 for the City of Philadelphia Prison System :  
 7901 State Road :  
 Philadelphia, PA 19136 :

Defendants. :

### NOTICE TO DEFEND

#### **NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE

#### **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO

A LAWYER, THIS OFFICE MAY BE  
ABLE TO PROVIDE YOU WITH  
INFORMATION ABOUT AGENCIES  
THAT MAY OFFER LEGAL  
SERVICES TO ELIGIBLE PERSONS  
AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association  
One Reading Center  
11<sup>th</sup> & Market Streets  
Philadelphia, PA 19107  
215-238-6333

ABAJO. ESTA OFICINA LO PUEDE  
PROPORCIONAR CON  
INFORMACION ACERCA DE  
EMPLEAR A UN ABOGADO.  
SI USTED NO PUEDE  
PROPORCIONAR PARA EMPLEAR  
UN ABOGADO, ESTA OFICINA  
PUEDE SER CAPAZ DE  
PROPORCIONARLO CON  
INFORMACION ACERCA DE LAS  
AGENCIAS QUE PUEDEN OFRECER  
LOS SERVICIOS LEGALES A  
PERSONAS ELEGIBLES EN UN  
HONORARIO REDUCIDO NI  
NINGUN HONORARIO.

Philadelphia Bar Association  
One Reading Center  
11<sup>th</sup> & Market Streets  
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610-690-0801

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Attorneys for Plaintiff

Brandon Johnson

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Plaintiff,

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Michele Farrell, individually and in her  
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7901 State Road  
Philadelphia, PA 19136

Defendants.

**CIVIL ACTION COMPLAINT**

**I. Parties**

1. Plaintiff, Brandon Johnson, is an adult individual residing at the above-captioned address.
2. Defendant, Officer William Bowdren, is an adult individual who at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Defendant, Philadelphia Police Department, as well as in his official capacity as Officer, acting under color of State Law.
3. Defendant, The City of Philadelphia Prison System, is a municipal agency at the above-captioned address, which is owned, run, operated, managed directed and controlled by the City of Philadelphia.
4. Defendant, Thomas Kasprzak, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the City of Philadelphia Adult Probation and Parole Department, as well in his official capacity as Parole Officer, acting under color of State law.

5. Defendant, Joseph Curtosi, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the City of Philadelphia Adult Probation and Parole Department, as well in his official capacity as Parole Officer, acting under color of State law.
6. Defendant, Michele Farrell, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the The City of Philadelphia Prison System, as well in her official capacity as Corrections Warden, acting under color of State law.

## **II. Operative Facts**

7. On or about July 31, 2013, Plaintiff, Brandon Johnson was driving in Philadelphia.
8. Defendant Officer, William Bowdren pulled over Johnson's vehicle. During the stop, Bowdren discovered a Philadelphia bench warrant issued for an individual with Johnson's same name for a probation violation.
9. Plaintiff explained to Bowdren that it was impossible because he had no warrants in Philadelphia.
10. Bowdren ignored and arrested Johnson without probable nor any cause – or any meaningful investigation whatsoever.
11. Upon information and belief, the probation violation was reported by Defendant Parole Officers, Thomas Kasprzak and Joseph Curtosi.
12. Defendant, The City of Philadelphia Police Department, imprisoned Johnson at Curran-Fromhold Correctional Facility.
13. When Johnson entered the correctional facility, he received a wristband without a picture on it, but with another Johnson's information on it.

14. Johnson informed Correctional Officer, John Doe, that he was not the individual listed on the wristband. Immediately, Correctional Officer, John Doe, re-took Johnson's photo and gave him a new wristband with the same information, but with Johnson's picture.
15. On or about September 3, 2013, Johnson was released from Curran-Fromhold Correctional Facility.
16. On or about September 5, 2013, at the Gagnon Hearing held before the Honorable Rayford A. Means in the Court of Common Pleas of Philadelphia County, the Court dismissed the charges against Johnson. Upon information and belief, the assistant district attorney admitted to the Court that Johnson had been "mixed up" with another individual with the same birthday and name. (Docket No. CP-51-CR-0006825-2009).
17. Plaintiff has been arrested several other times regarding the aforesaid bench warrant which is associated with a different person named Brandon Johnson.
18. Plaintiff has communicated directly with Defendant parole officers at least three (3) times to explain this issue. Defendant parole officers apologized to Plaintiff and said they would fix the issue but have continually failed to do so.
19. Most recently, in August 2015, Plaintiff's driver's license was suspended for six (6) months because the different person named Brandon Johnson was arrested for a drug-related matter.
20. As a result of the aforesaid, Plaintiff's life has been majorly disrupted causing severe emotional distress.
21. The conduct of Defendants was part of a custom, policy and/or practice and these customs, policies or practices caused the violations of Plaintiff's rights. Specifically, Defendants arrested Plaintiff and search and seize citizens without probable nor any cause – or any meaningful investigation whatsoever.



**III. Causes of Action**

**COUNT I**  
**Wrongful Search and Seizure**

22. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
23. At the time of Defendants' conduct, Plaintiff had not committed any infraction or otherwise to legally justify the search and seizure used by Defendants.
24. Defendants' stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly establish and well-settled Constitutional and other legal rights.
25. Defendants caused Plaintiff to suffer a violation by their wrongful conduct all in violation of the Fourth and Fourteenth Amendment of the United States Constitution, actionable through 42 U.S.C. § 1983, et seq., as well as State Law.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**COUNT II**  
**False Arrest**

26. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
27. Defendants lacked probable cause or any cause to arrest Plaintiff.
28. Plaintiff had not committed any infraction or otherwise to legally justify his arrest by and through Defendants.
29. Defendants intentionally arrested Plaintiff for a purpose other than bringing Plaintiff to justice.

30. Defendants caused Plaintiff to suffer false arrest by their wrongful conduct all in violation of the Fourth and Fourteenth Amendment of the United States Constitution, actionable through 42 U.S.C. § 1983, et seq., as well as State Law.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**COUNT III**  
**False Imprisonment**

31. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

32. Defendants lacked probable cause or any cause to arrest or cause the arrest of Plaintiff.

33. Plaintiff had not committed any infraction or otherwise to legally justify his arrest by Defendants.

34. Defendants intentionally deprived Plaintiff of his liberty for a purpose other than bringing Plaintiff to justice.

35. Defendants caused Plaintiff to suffer false imprisonment by their wrongful conduct all in violation of the Fourth and Fourteenth Amendment of the United States Constitution, actionable through 42 U.S.C. § 1983, et seq., as well as State Law.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**COUNT IV**  
**Malicious Prosecution**

36. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
37. At the time of Defendants' investigation, arrest, charges and imprisonment, Plaintiff had not committed any infraction to legally justify the incarceration and charges.
38. Defendants' actions stated above, *inter alia*, were committed under color of State law and were violations of Plaintiff's clearly established and well-settled Constitutional and other legal rights.
39. Defendants caused Plaintiff to suffer a malicious prosecution by their wrongful conduct in subjecting Plaintiff to false criminal charges, all in violation of the Fourth and Fourteenth Amendments to the United States Constitution.
40. Defendants instituted criminal actions against Plaintiff by way of failing to properly investigate the conduct giving rise to the warrant or thereafter.
41. Plaintiff was seized from the time he was arrested through the time he was imprisoned.
42. Defendants did not have probable cause nor any cause to arrest, charge, and/or accuse Plaintiff of the criminal acts.
43. The criminal action terminated in Plaintiff's favor after Defendants released Plaintiff from prison without verbal or written explanation.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**COUNT V**  
***Monell***

44. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
45. The violations of Plaintiff's constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution, Plaintiff's damages, and the conduct of the individual defendants were directly and proximately caused by the actions and/or inactions of defendant, which has encouraged, tolerated, ratified, and has been deliberately indifferent to the following policies, patterns, practices, and customs, and to the need for more or different training, supervision, investigation, or discipline in the areas of:
- a. Legal cause to detain, arrest and criminally charge a citizen;
  - b. The proper exercise of police powers, including but not limited to the making of an arrest and the bringing of criminal charges;
  - c. Police officers' use of their status as police officers to to achieve ends not reasonably related to their police duties; and
  - d. The failure of police officers to follow established policies, procedures, directives, and instructions regarding arrests, and the institution of criminal charges under such circumstances as presented by this case.
46. Prior to the events described herein, Defendants developed and maintained policies, practices, procedures, and customs exhibiting deliberate indifference to the Constitutional rights of persons within the geographic and jurisdictional limits of the Commonwealth of Pennsylvania, which caused violations of Plaintiff's constitutional and other rights.
47. The above described acts or omissions by Defendants, demonstrated a deliberate indifference to the rights of the citizens, such as Plaintiff, and were the cause of the violations of Plaintiff's rights as set forth herein.

48. Plaintiff suffered harm due to Defendants' misconduct.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

**WEISBERG LAW**

/s/ Matthew B. Weisberg  
Matthew B. Weisberg, Esq.  
Chad B. Gordon, Esq.  
Attorneys for Plaintiff

**THIS IS A MAJOR JURY MATTER  
ASSESSMENT OF DAMAGES REQUIRED**

**WEISBERG LAW**

Matthew B. Weisberg, Esq.  
Attorney ID No.: 85570  
7 South Morton Ave.  
Morton, PA 19070  
610-690-0801  
610-690-0880 – Fax

Attorneys for Plaintiff

Brandon Johnson  
845 N. 20<sup>th</sup> Street  
Philadelphia, PA 19130

Plaintiff,

v.

Officer William Bowdren, individually and  
in his official capacity as Officer for the  
City of Philadelphia Police Department, et al:  
1515 Arch Street  
Philadelphia, PA 19102

Defendants.

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

July Term, 2014

NO.: 1437

**JURY OF TWELVE (12) DEMANDED**

**CERTIFICATE OF SERVICE**

I, Matthew B. Weisberg, Esquire, hereby certify that on this 17<sup>th</sup> day of August, 2015, a true and correct copy of the foregoing Plaintiff's Civil Action Complaint was served via e-filing, upon the following parties:

Craig Straw, Esquire  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

**WEISBERG LAW**

/s/ Matthew B. Weisberg  
Matthew B. Weisberg, Esquire  
Attorney for Plaintiff

**VERIFICATION**

The facts contained in the foregoing are true based upon the signer's personal knowledge or information and belief. If the foregoing contains averments which are inconsistent in fact, signer has been unable, after reasonable investigation, to ascertain which of the inconsistent averments are true, but signer has knowledge or information sufficient to form a belief that one of them is true. The language of this pleading is that of counsel and not of signer. This verification is made subject to the penalties of 18 PA C.S.A. §4904 relating to unsworn falsification to authorities.

/s/ Matthew B. Weisberg

Signature

Matthew B. Weisberg, Esquire

Print name

Attorney for Plaintiff, Brandon Johnson

TITLE

Date: 8/17/2015

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 845 N. 20<sup>th</sup> Street, Philadelphia, PA 19130

Address of Defendant: Law Department, 1515 Arch Street, 14<sup>th</sup> Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?  
RELATED CASE IF ANY: Yes ☐ No ☒

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒

CIVIL: (Place in ONE CATEGORY ONLY)

## A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All
2. ☐ FELA
3. ☐ Jones Act – Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All Other Federal Questions Cases (Please specify)

## B. Diversity Jurisdiction Cases:

- Other Contracts 1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
  3. ☐ Assault, Defamation
  4. ☐ Marine Personal Injury
  5. ☐ Motor Vehicle personal Injury
  6. ☐ Other Personal Injury (Please specify)
  7. ☐ Products Liability
  8. ☐ Products liability - Asbestos
  9. ☐ All other Diversity Cases  
(Please specify)

## ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Matthew K. Hubbard, counsel of record do hereby certify:

- ☒ Pursuant to Local Rule 53.3 A, civil rights cases are excluded from arbitration.
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 8/24/15

Matthew K. Hubbard  
Attorney-at-Law

44110  
Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/24/15

Matthew K. Hubbard  
Matthew K. Hubbard, Esquire  
Attorney-at-Law

44110  
Attorney I.D. #



